

STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES

In The Matter Of:

CENTURY MORTGAGE, INC., RONALD  
BURGER, DESIGNATED BROKER AND  
OWNER, DALE SAGE GIBBONS,  
OWNER, DWAIN R. KLEIN, OWNER,  
GENE ARTHUR TAYLOR, MICHAEL  
DEASY, CURTIS ORVICK, JON WEBB,  
SCOTT TOLLEFSON, DAVID BURGER,  
AND MARK HODGE,

Respondents

NO. C-02-285-03-CO03

OAH Case No. 2002-DFI-0006

**CONSENT ORDER  
BETWEEN THE DEPARTMENT AND  
DAVID BURGER**

COMES NOW the Acting Director, Division of Consumer Services, Department of Financial Institutions, (Acting Director), Chuck Cross and David Burger (hereinafter referred to as "Respondent David Burger"), and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent David Burger have agreed upon a basis for resolution of the matters alleged in Statement of Charges and Notice of Intention to Enter an Order To Revoke License, Prohibit from Participation in Industry and Assess Monetary Penalties ("Statement of Charges") No. C-02-285-02-SC04 issued August 26, 2002 (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent David Burger, hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and

efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as it relates to Respondent David Burger and agree that Respondent David Burger does not admit any wrongdoing by its entry. Respondent David Burger is agreeing not to contest said Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

B. **Consent to Be Bound By Order.** It is AGREED that the parties shall be bound by the terms and conditions of this Consent Order as set forth herein.

C. **Waiver of Hearing.** It is AGREED that Respondent David Burger has been informed of his right to a hearing before an administrative law judge, and that he has waived same right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent David Burger agrees to dismiss his appeal and to inform the Office of Administrative Hearings in writing of his dismissal.

D. **Non-Compliance with Order.** It is AGREED that Respondent David Burger understands that failure to abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In the event of such legal action, Respondent David Burger may be responsible to reimburse the Director for the cost incurred in pursuing such action, including but not limited to, attorney fees.

E. **Prohibition from Industry.** It is AGREED that Respondent David Burger be prohibited from participating in the mortgage broker industry for fifteen (15) years in any capacity, including but not limited to: (1) any financial capacity whether active or passive or (2)

as an officer, director, principal, employee, or loan originator. HOWEVER, any time after ten (10) years of such prohibition, Respondent David Burger may pay to the Department a fine of \$7,500.00 in the form of a cashier's check made payable to the "Washington State Treasurer" in order to reduce the term of his prohibition. Any time after ten (10) years of such prohibition Respondent David Burger pays the fine of \$7,500.00, the fifteen (15) year prohibition described above will be considered satisfied.

F. **Application for Mortgage Broker License.** It is AGREED that Respondent David Burger refrain from applying for a mortgage broker license or branch license under any name from the Department for a period of fifteen (15) years. HOWEVER, if Respondent David Burger chooses to reduce his term of prohibition as described in paragraph E, he may apply for a mortgage broker license or branch license after ten (10) years.

G. **Fine.** It is AGREED that, consistent with paragraph E, should Respondent David Burger so choose, at any time after ten (10) years from the date of entry of this Consent Order, Respondent David Burger may pay to the Department a fine of \$7,500.00.

H. **Complete Cooperation with the Department (statements).** It is AGREED that Respondent David Burger provide the Department truthful and complete sworn statements outlining his activities with respect to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. The "sworn statements" may take the form of affidavits, declarations, or deposition testimony, at the Department's discretion.

I. **Complete Cooperation with the Department.** It is AGREED that Respondent David Burger cooperate fully, truthfully and completely with the Department and provide any

and all information known to him relating in any manner to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. It is further AGREED that Respondent David Burger provide any and all documents, writings or materials, or objects or things of any kind in his possession or under his care, custody, or control relating directly or indirectly to all areas of inquiry and investigation. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order. It is further AGREED that Respondent David Burger testify fully, truthfully and completely at any proceeding related to the Department's investigation and enforcement actions related to this matter, including, but not limited to Century Mortgage, Inc. and the named Respondents.

J. **Authority to Execute Order.** It is AGREED that the undersigned has represented and warranted that he has the full power and right to execute this Consent Order on behalf of the party represented.

K. **Voluntarily Entered, Fully Resolved, and Non-Admission.** It is AGREED that the undersigned Respondent David Burger has voluntarily entered into this Consent Order, which is effective when signed by the Director's designee. The parties intend this Consent Order to fully resolve the Statement of Charges as it relates to Respondent David Burger and agree that Respondent David Burger does not admit any wrongdoing by its entry. Respondent David Burger is agreeing not to contest said Statement of Charges in consideration of the terms of this Consent Order.

L. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent David Burger has read this Consent Order in its entirety and fully understands and agrees to all of the same.

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/s/  
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DAVID BURGER

03/05/2004  
DATE

/s/  
\_\_\_\_\_  
STEPHEN MATTHEWS  
Attorney at Law  
Attorney for Respondent David Burger

03/05/2004  
DATE

IT IS SO ORDERED.

Dated and Entered this 9th day of March, 2004.

/s/  
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CHUCK CROSS, Acting Director  
Division of Consumer Services  
Department of Financial Institutions